

APR 19 2006

**Pepper Hamilton LLP**  
Attorneys at Law50th Floor  
500 Grant Street  
Pittsburgh, PA 15219-2502  
412.454.5000  
Fax 412.281.0717  
www.pepperlaw.com**FAX INFORMATION SHEET**Date: April 19, 2006  
ID Number: 61297  
Identifier: 129510.11601

| <u>Recipient's Name</u> | <u>Company</u> | <u>General Number</u> | <u>Fax Number</u> |
|-------------------------|----------------|-----------------------|-------------------|
| USPTO                   |                |                       | 571-273-8300      |

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Total Pages Including Cover: 8

Comments: Attached is a Election under 37 CFR §3.71 and 3.73 and Power of Attorney together with Statement of Assignee for Application No. 10/775,079.An original or a copy has ☐ or has not ☒ been sent to you by mail ☐ or by overnight service ☐ or by email ☐.◆ ◆ If total pages are not received, or an error occurred during this transmission,  
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## ◆ ◆ CONFIDENTIALITY NOTE ◆ ◆

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Coversheet Page 1 of 1

PAGE 33/174 \* RCVD AT 4/19/2006 3:11:40 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-3/1 \* DNIS:2738300 \* CSID:4122810717 \* DURATION (mm-ss):43-14

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CONFIDENTIAL

Docket No. 129510.00001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/775,079 : See Attached  
Applicants Robinson, et al. : See Attached  
Filed Feb. 11, 2004 : See Attached  
Customer No. : 21269

TITLE: SEE ATTACHED

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth on the attached chart, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoint the attorneys and agents associated with Customer Number 21269, for so long as they remain with such company or firm, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive the Letters Patent document, and for one year after the issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

PT: #235803 v1 (5HDM011.DOC)

Docket No. 129510.00001

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to PAY BY TOUCH CHECKING RESOURCES, INC. referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all future communications regarding this application as follows:

Customer Number 21269  
Pepper Hamilton LLP  
One Mellon Bank Center  
500 Grant Street  
Pittsburgh, PA 15219-2502

ASSIGNEE: Pay by Touch Checking Resources, Inc.

By: 

Name: Steve Zeffinger

Title: General Counsel

Date: 4/18/06

ASSIGNMENT:



Concurrently filed



Previously recorded

Date: February 24, 2006

Reel: 017210

Frames: 0364

PT: #235803 v1 (SHDN011.DOC)

Docket No. 129510.00001

| Serial No. | Filing Date: | Inventor:        | Assignment to BioPay, LLC Reel/Frame | Recording Date of BioPay, LLC Assignment | Assignment to Pay By Touch Checking Resources, Inc. Reel/Frame | Recording Date: |
|------------|--------------|------------------|--------------------------------------|--|--|-----------------|
| 10/369,235 | 02-19-2003   | Robinson, et al. | 017210/0364                          | 02-24-2006                               | 017210/0364  | 2/24/2006       |
| 10/277,017 | 10-21-2002   | Robinson, et al. | 017210/0364                          | 02-24-2006                               | 017210/0364  | 2/24/2006       |
| 10/251,305 | 09-20-2002   | Robinson, et al. | 017210/0364                          | 02-24-2006                               | 017210/0364  | 2/24/2006       |
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| 10/861,864 | 06-07-2004   | Robinson, et al. | 015440/0736                          | 06-07-2004                               | 017210/0364  | 2/24/2006       |
| 10/848,354 | 05-19-2004   | Robinson, et al. | 015353/0142                          | 05-19-2004                               | 017210/0364  | 2/24/2006       |
| 10/840,239 | 05-07-2004   | Robinson, et al. | 015305/0374                          | 05-07-2004                               | 017210/0364  | 2/24/2006       |
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| 11/123,111 | 05-06-2005   | Robinson, et al. | 016537/0952                          | 05-06-2005                               | 017210/0364  | 2/24/2006       |
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| 10/891,503 | 07-15-2004   | Robinson, et al. | 015578/0991                          | 07-15-2004                               | 017210/0364  | 2/24/2006       |
| 10/775,079 | 02-11-2004   | Robinson, et al. | 014996/0369                          | 02-11-2004                               | 017210/0364  | 2/24/2006       |
| 10/725,394 | 12-03-2003   | Robinson, et al. | 014757/0044                          | 12-03-2003                               | 017210/0364  | 2/24/2006       |
| 10/678,646 | 10-06-2003   | Robinson, et al. | 014971/0964                          | 02-11-2004                               | 017210/0364  | 2/24/2006       |
| 10/829,448 | 04-22-2004   | Robinson, et al. | 015262/0452                          | 04-22-2004                               | 017210/0364  | 2/24/2006       |
| 10/910,515 | 08-03-2004   | Robinson, et al. | 015663/0289                          | 08-03-2004                               | 017210/0364  | 2/24/2006       |
| 10/870,047 | 06-18-2004   | Robinson, et al. | 015492/0391                          | 06-18-2004                               | 017210/0364  | 2/24/2006       |
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| 11/076,851 | 03-11-2004   | Robinson, et al. | 016380/0766                          | 03-11-2005                               | 017210/0364  | 2/24/2006       |
| 10/983,786 | 11-09-2004   | Robinson, et al. | 015984/0453                          | 11-09-2004                               | 017210/0364  | 2/24/2006       |
| 11/187,836 | 07-25-2005   | Robinson, et al. | 016811/0720                          | 07-25-2005                               | 017210/0364  | 2/24/2006       |
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| 11/217,303 | 09-02-2005   | Robinson, et al. | 016952/0441                          | 09-02-2005                               | 017210/0364  | 2/24/2006       |
| 11/128,312 | 05-13-2005   | Robinson, et al. | 016564/0576                          | 05-13-2005                               | 017210/0364  | 2/24/2006       |
| 11/232,878 | 09-23-2005   | Robinson, et al. | 017027/0249                          | 09-23-2005                               | 017210/0364  | 2/24/2006       |
| 11/284,156 | 11-22-2005   | Robinson, et al. | 015262/0452                          | 04-22-2006                               | 017210/0364  | 2/24/2006       |
| 11/304,786 | 12-16-2005   | Robinson, et al. | Recorded/not published               | 12-16-2005                               | 017210/0364  | 2/24/2006       |
| 11/141,033 | 06-01-2005   | Robinson, et al. | Recorded/not published               | 06-01-2005                               | 017210/0364  | 2/24/2006       |
| 11/304,785 | 12-16-2005   | Robinson, et al. | Recorded/not published               | 12-16-2005                               | 017210/0364  | 2/24/2006       |
| 11/187,835 | 07-25-2005   | Robinson, et al. | Recorded/not yet published           | 02-02-2006                               | 017210/0364  | 2/24/2006       |

PT: #235803 v1 (5HDN011.DOC)

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Docket No. 129510.00001

| Serial No. | Filing Date: | Inventor:        | Assignment to<br>BioPay, LLC<br>Reel/Frame | Recording<br>Date of<br>BioPay, LLC<br>Assignment | Assignment to<br>Pay By Touch<br>Checking<br>Resources,<br>Inc.<br>Reel/Frame | Recording<br>Date: |
|------------|--------------|------------------|--|---|---|--------------------|
| 11/345,284 | 02-02-2006   | Robinson, et al. | Recorded/not<br>published                  | 02-02-2006  | 017336/0231   | 3/21/2006          |
| 10/142,687 | 10-25-2005   | Robinson, et al. | 015436/0665                                | 06-07-2004  | 017336/0231   | 3/21/2006          |

PT: #235804 v1 (SHD\_011.DOC)

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Docket No. 129510.0001

STATEMENT UNDER 37 C.F.R. 3.73(B)

Applicant/Patent Owner: PAY BY TOUCH CHECKING RESOURCES, INC.  
Application No./Patent No.: SEE ATTACHED 10/775,079  
Filed/Issue Date: SEE ATTACHED Feb. 11, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PAY BY TOUCH CHECKING RESOURCES, INC. (name of assignee), a corporation (type of organization), states that it is:

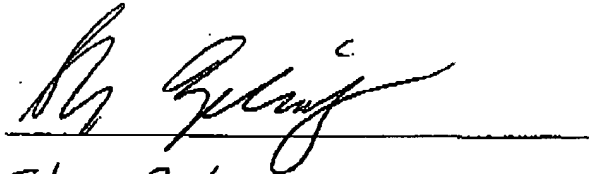
1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either.

- ☒ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as identified on the attached chart.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Signature:



Typed or printed name:

Steve Zelinger

Title:

General Counsel and EVP

Date:

April 18, 2006

| Serial No. | Filing Date: | Inventor:        | Assignment to BioPay, LLC Reel/Frame | Recording Date of BioPay, LLC Assignment | Assignment to Pay By Touch Checking Resources, Inc. Reel/Frame | Recording Date: |
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No. 3304 P. 8/8

Docket No.: 129510. 11601

APR 19 2006

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: :

Robinson, et al. :


Application No.: 10|775,079 :

Filed: Feb. 11, 2004 : Examiner:

For: *System and Method for Delaying Payment Processing for  
Biometrically-Initiated Financial Transactions*  
**CERTIFICATE OF FACSIMILE UNDER 37 C.F.R. §1.6 & §1.8**

I hereby certify that this Power of Attorney and Statement of Assignee is being sent via facsimile to fax number 571-273-8300 under 37 C.F.R. §1.6 & §1.8 on April 19, 2006.

Kathleen Pujol  
(Typed/printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)

**Documents Faxed:**

1. Election under 37 CFR §3.71 and 3.73 and Power of Attorney
2. Statement of Assignee
3. Certificate of Facsimile